

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WILLIAM WADDELL, **PLAINTIFF,**

VS. **CIVIL ACTION 4:04CV226-P-B**

RAJNIKANT DAYA d/b/a LEVEE INN, **DEFENDANT**

Consolidated with

WILLIAM E. PRINCE, **PLAINTIFF,**

VS. **CIVIL ACTION 4:04CV259-P-B**

RAJNIKANT DAYA d/b/a LEVEE INN, **DEFENDANT.**

ORDER

This matter comes before the court upon Defendant’s Third Motion in Limine to Exclude all References to Punitive Damages [40-1]. Upon due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

Pursuant to Mississippi Code Annotated § 11-1-65(b), which provides in pertinent part that “the trier of fact shall first determine whether compensatory damages are to be awarded and in what amount, before addressing any issues related to punitive damages,” the instant motion to exclude any reference to punitive damages until the event compensatory damages are awarded should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant’s Third Motion in Limine to Exclude all References to Punitive Damages [40-1] is **GRANTED**; therefore,

(2) The parties shall make no reference to punitive damages unless and until the trier of fact has determined that compensatory damages are warranted.

SO ORDERED this the 19th day of December, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE